

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN IMHOF,

Plaintiff,

-V-

NEW YORK CITY HOUSING AUTHORITY *et al.*,

Defendants.

23 Civ. 1880 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:


The Court will hear oral argument on Defendant Daniel Sherrod’s motion for summary judgment, Dkt. 105, at 4:00 p.m. on May 27, 2025, in Courtroom 12D at 500 Pearl Street, New York, NY 10007. The parties should be prepared to thoroughly discuss the following issues:

1. The relevance, if any, of the Supreme Court’s analysis in *Davis v. Passman* to Sherrod’s argument that the Rehabilitation Act preempts Plaintiff John Imhof’s claims against Sherrod under the New York City Human Rights Law (“NYCHRL”). 442 U.S. 228, 247 (1979) (“There is no evidence . . . that Congress meant [Section 717 of the Civil Rights Act of 1964] to foreclose alternative remedies available to those not covered by the statute.”); *see also Brown v. Gen. Servs. Admin.*, 425 U.S. 820, 833 (1976) (holding that Section 717 of the Civil Rights Act is the exclusive remedy for race discrimination claims in the federal employment context); *Rivera v. Heyman*, 157 F.3d 101, 105 (2d Cir. 1998) (extending *Brown*’s preemption logic to state and city law discrimination claims alleging disability discrimination covered by Section 501 of the Rehabilitation Act, and applying *Brown* to claims against federal employees in their individual capacity).
2. Whether Imhof’s claims against Sherrod under the NYCHRL are covered under the plain language of the Westfall Act’s exclusivity provision, including whether those claims are “for injury or loss of property, or personal injury or death” and arise or result from a “negligent or wrongful act or omission.” 28 U.S.C. § 2679(b)(1).

In addition, the parties may (but are not required to) submit simultaneous supplemental briefs of no more than 5,000 words each addressing these issues on or before May 23, 2025.

SO ORDERED.

Dated: May 2, 2025  
New York, New York

  
JOHN P. CRONAN  
United States District Judge